

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

FINANCIAL FEDERAL CREDIT, INC.,

Plaintiff,

v.

EARTH MOVERS EXCAVATION, INC.,

Defendant.

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CIVIL ACTION H-09-1129

DEFAULT JUDGMENT

Pending before the court is plaintiff Financial Federal Credit Inc.'s motion for default judgment against defendant Earth Movers Excavation, Inc.. Dkt. 5. Defendant, having failed to answer the complaint, though duly served with process on April 27, 2009, and given notice of the motion for entry of default and default judgment by certified mail, return receipt requested, has failed to appear and has wholly made default.

It is, therefore, ORDERED that this court has jurisdiction over defendant, and venue is proper in the United States District Court for the Southern District of Texas, Houston Division.

It is, therefore, ORDERED by this court that plaintiff recover from defendant Earth Movers Excavation, Inc. as follows:

Actual damages in the amount of \$91,942.57;

Prejudgment interest thereon at the contractual default rate of eighteen percent (18%) per annum from and after March 9, 2009, until entry of judgment.;

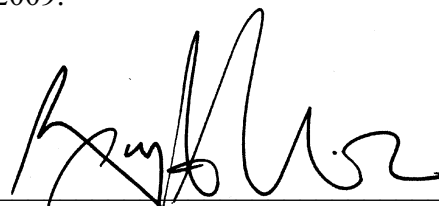
Post-judgment interest thereon at the contractual rate of eighteen percent (18%) from entry of judgment until paid;

and

All costs of court.

This is a FINAL JUDGMENT

Signed at Houston, Texas on August 31, 2009.



Gray H. Miller
United States District Judge

TO ENSURE PROPER NOTICE, EACH PARTY RECEIVING THIS ORDER SHALL
FORWARD IT TO EVERY OTHER PARTY AND AFFECTED NONPARTY